

REMARKS**SUMMARY OF OFFICE ACTION**

Claims 1-44 are pending. Claims 41-44 have been rejected under 35 U.S.C. § 112 as allegedly indefinite. Claims 1, 6-13, 18-25, and 30-40 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Shoemaker et al., U.S. Patent Publication No. 2003/0167197 (“Shoemaker”), further in view of Gronberg et al., U.S. Patent No. 7,324,964 (“Gronberg”). Claims 2-3, 14-15, and 26-27 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Shoemaker* and *Gronberg*, further in view of Zawadzki et al., U.S. Patent No. 7,107,268 (“Zawadzki”). Claims 4-5, 16-17, and 28-29 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Shoemaker* and *Gronberg*, further in view of Wright et al., U.S. Patent Publication No. 2002/0016910 (“Wright”). Claims 41-44 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Shoemaker* and *Gronberg*, further in view of Morrison, U.S. Patent Publication No. 2003/0009367 (“Morrison”).

APPLICANTS’ RESPONSE

In this Response, Applicants amend claims 1, 13, 25 and 37, and address the Examiner’s rejections. Support for the amendments to the claims can be found throughout the application. Amendments to the claims are being made solely to expedite prosecution and do not constitute an acquiescence to any of the Examiner’s rejections. Applicants’ silence with regard to the Examiner’s rejections of the dependent claims constitutes recognition by Applicants that the rejections are moot based on the instant Amendment and Remarks relative to the independent claim from which the dependent claims depend.

35 U.S.C. § 112 REJECTIONS

The Examiner asserts that there is no support for the databases "Direct to Consumer Audit", "Hospital and Doctor Integrated Services Audit", "Chemical Audit", "Midas Audit", and "Write Decision Audit". Applicants direct the Examiner's attention to paragraph [0030] where exemplary support may be found.

The Examiner also asserts that phrases "midas" and "Rx" in the names of the databases are not well known in the art and not explained in the disclosure. Applicants submit that the terms "Midas" and "Rx" are portions of proper names and thus satisfy the requirements of § 112.

Accordingly, claims 41-44 satisfy all of the requirements of 35 U.S.C. § 112. Withdrawal of the rejections is requested.

35 U.S.C. § 103 REJECTIONS

As amended, claim 1 recites, "querying a Question and Answer database to determine at least one natural language question that is authorized to be presented to the web page based on the determined service level associated with the account" (emphasis added). Applicants submit that *Shoemaker* and *Gronberg*, either taken alone or in combination, fail to teach or suggest these features.

To reject claims in an application under Section 103, an Examiner must establish a *prima facie* case of obviousness. Under the Supreme Court's guidelines enunciated in *Graham v. John Deere*, 383 U.S. 1, 17 (1966), and reaffirmed in *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007), to establish a *prima facie* case of obviousness, the Examiner has an obligation to construe the scope of the prior art, identify the differences between the claims and the prior art, and determine the level of skill in the pertinent art at the time of the invention. Applicant

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respectfully submits that the Examiner has failed to meet this burden to establish a *prima facie* case of obviousness for the rejection under 35 U.S.C. § 103(a), as set forth in detail below.

Applicants decision to not address the other elements of 35 U.S.C. § 103(a) does not constitute an admission that such elements are satisfied, but rather a recognition that such elements are moot given the Examiner's failure to provide a showing of all the claimed features. Applicants reserve the option to comment on such elements in further prosecution.

Nothing in *Shoemaker* or *Gronberg* discloses or suggests a question and answer database as contemplated by claim 1. Shoemaker merely describes a tool for allowing account managers to view details regarding other account managers by performing searches. *Shoemaker*, paragraph [0019]. *Shoemaker* does not make use of or describe a question and answer database. Likewise, *Gronberg* does not disclose or suggest a question and answer database. Accordingly, claim 1 defines over *Shoemaker* and *Gronberg*.

Claims 13, 25, and 37 contain similar features as claim 1 and define over the cited art for at least the same reasons as claim 1. Claims 2-12, 14-24, 26-36, and 38-44 depend from one of claims 1, 13, 25, and 37, and define over the cited art for at least for the same reasons as claims 1, 13, 25, and 37.

CONCLUSION

Applicants respectfully submit that this application is now in condition for allowance. Reconsideration and prompt allowance of which are respectfully requested.

The Examiner is invited to contact the undersigned at (212) 408-2517 if any additional information or assistance is required.

Applicants believe that no additional fee other than the fee for the one month extension is due in connection with the filing of this response. If any additional fee is due, or overpayment made, with regard to this response, Applicants authorize the Director to charge any such fee, and credit any overpayment, to Deposit Account No. 02-4377.

Respectfully submitted,

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